

National Aeronautics and Space Administration



**Headquarters**

Washington, DC 20546-0001

March 27, 2019

Reply to attn. of: Office of Communications

Ms. Jamie Corey  
Senior Researcher  
Documented  
P.O. Box 258084  
Madison, WI 53725

Re: FOIA Tracking Number 19-HQ-F-00389

Dear Ms. Corey:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the National Aeronautics and Space Administration (NASA), dated and received in this office on March 26, 2019. You seek the following records that were created or obtained by NASA between January 1, 2019, and the date a records search is conducted:

- 1) Records pertaining to the Presidential Committee on Climate Security (PCCS), including but not limited to records regarding the Deputies Committee Meeting on the Presidential Committee on Climate Security that took place on February 22, 2018; and
- 2) Communications between James Bridenstine, and William Happer, Patrick Moore, or any member or representative of the CO2 Coalition.

In your letter you request expedited processing of your request. For requests to be considered for expedited processing the requester's letter must indicate the basis on which such treatment is sought. Requests will be taken out of chronological order based on the date of receipt and given expedited treatment only when it is determined that they involve: (1) circumstances in which lack of such treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) an urgency to inform the public about an actual or alleged federal government activity, if the FOIA request is made by a person primarily engaged in disseminating information; or (3) circumstances in which lack of such treatment would impair substantial due process rights. 14 C.F.R. § 1206.400(c). Requesters seeking expedited processing are required to submit a statement explaining in detail the basis for their request for expedited processing, and that statement must be certified to be true and correct. 14 C.F.R. § 1206.400(d).

You request expedited processing of your request under NASA's standard permitting expedition for requests involving urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating

information. 14 C.F.R. § 1206.400(c)(2). Based on the information provided, I determined that your request for expedited processing under this standard is denied. Your letter fails to establish a particular urgency to inform the public about the Presidential Committee on Climate Security beyond the public's right to know about that matter generally. In addition, you have not shown that you have the ability to educate the public beyond Documented's limited constituency. Nevertheless, please be advised that your request was assigned the above tracking number and a records search is being initiated in the appropriate program office.

Since your request does not meet the criteria for expedited review, your request was placed in the queue for processing in the order in which it was received. Although NASA's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10-day extension of this time period under 5 U.S.C. § 552(a)(6)(B) for unusual circumstances. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, NASA hereby invokes this 10-day extension for your request, and estimates a response to your request to be provided within 30 business days. Please note, however, that the actual time required to respond to your request depends on the number and types of responsive records identified and located in our records search. Unfortunately, we cannot predict exactly when your request will be processed as we currently have a backlog of requests. Please be assured that NASA will respond to your request as expeditiously as possible. We are using our best efforts to process all requests with due diligence on a first-in, first-out basis.

Regarding your request for a fee waiver, a fee waiver is appropriate when "disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 14 CFR § 1206.506(c). I considered several factors in my determination as to whether your request satisfies this statutory standard: (1) whether the subject of the request specifically concerns identifiable operations or activities of the Agency with a connection that is direct and clear, not remote or attenuated; (2) whether disclosure is likely to contribute to an increased public understanding of those operations or activities; (3) whether the focus of the request is on contributing to public understanding, rather than on the individual understanding of the requester or a narrow segment of interested persons; and (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities; (5) whether you have a commercial interest that would be furthered by the requested disclosure; and (6) whether any such commercial interest outweighs the public interest. 14 CFR § 1206.506(d), (e).

Based on the information you provided, I am denying your request for a fee waiver. In reaching my conclusion I analyzed the above factors as they apply to the circumstances of your request. While the records you seek do concern the operations or activities of NASA and you do not appear to have an overriding commercial interest in the records, other relevant factors have not been met. You have not demonstrated specificity that you have both the intent and the ability to disseminate the requested information to the general public. This in itself is a sufficient basis on which to deny a fee waiver request. Additionally, to qualify for a fee waiver, you must make an adequate showing that a release of the information to you is in

the public interest. Your conclusory statements that disclosure of the information to you is “likely to contribute significantly to public understanding of government policy on climate change as well as add to understanding of the purpose and operation of the Presidential Committee on Climate Security,” is insufficient for this purpose. Such statements are too speculative for me to conclude that a release to you would be of any interest to anyone but Documented’s limited constituency.

At this point, without a fee waiver being granted, NASA regulations allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the NASA FOIA regulations as they apply to “all other” requesters. As an “all other” requester you will be charged \$0.15 per page for duplication, although the first 100 pages are free, as are the first two hours of search time, after which you will pay the quarter-hour rate of the searcher. You stated in your request that you are willing to pay assessable fees up to \$200.

You have the right to appeal my action regarding your requests for expedited processing and fee waiver. Your appeal must be received within 90 days of the date of this response. Please send your appeal to:

Administrator  
NASA Headquarters  
Executive Secretariat  
ATTN: FOIA Appeals  
MS 9R17  
300 E Street S.W.  
Washington, DC 2054

Both the envelope and letter of appeal should be clearly marked, “Appeal under the Freedom of Information Act.” You must also include a copy of your initial request, the adverse determination, and any other correspondence with the FOIA office. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial determination should be reversed. Additional information on submitting an appeal is set forth in the NASA FOIA regulations at 14 C.F.R. § 1206.700.

For further assistance and to discuss any aspect of your request you may contact NASA’s Principal FOIA Officer at:

Nikki Gramian  
Principal FOIA Officer  
Freedom of Information Act Office  
NASA Headquarters  
300 E Street, S.W., 5P32  
Washington D.C. 20546  
Phone: 202-358-0625  
Email: [Nikki.N.Gramian@nasa.gov](mailto:Nikki.N.Gramian@nasa.gov)

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services it offers. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

**Important:** Please note that contacting any agency official including the undersigned, NASA's Principal FOIA Officer, and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock. If you have further questions, please feel free to contact me at [Stephanie.K.Fox@nasa.gov](mailto:Stephanie.K.Fox@nasa.gov) or 202-358-1553.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie K. Fox". The signature is written in a cursive, flowing style.

Stephanie K. Fox  
FOIA Team Lead and  
Chief FOIA Public Liaison